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(commercialism)

Capitalism, it is claimed by many, is ugly. The clutter of billboard jungles, the drabness of housing tracts, the half-truths of advertising, all are said to be the logical outcome of a market freed of political controls. Even those businessmen who defend what they call "free enterprise" implicitly agree, saying, in effect, that a "rising standard of living" demands a little crassness.

This magazine rejects this view of the free market as simple misconception. Unfettered human exchange, far from creating visual/verbal chaos, is the best possible instrumentality for achieving maximum aesthetic satisfaction. Or so we wish to prove in a series of articles beginning this month. Conservatives, anarchists, and other defenders of free trade long ago perfected their case for the efficiency of the market, thereby dispelling claims concerning poverty under capitalism. Less, however, has been said about the aesthetics of freedom. Reason invites readers who have considered the matter to submit manuscripts. Direct your correspondence to the editor.

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Lanny Friedlander, editor/art director
Tibor Machan, associate editor
Robert Poole, associate editor
Marilynn Walther, copy editor
Manuel Klausner, editorial adviser
Mark Frazier, contributing editor
Lynn Kinsky, circulation manager
James Weigl, business manager

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IN DEFENSE(?) OF ADVERTISING

Madison Ave.

Lanny Friedlander

What the Pentagon is to the military-industrial complex and the White House is to the political structure, advertising is to the free market. A highly visible symbol of American "capitalism," often loud and garish, advertising receives more than its share of abuse. Villified by radical, liberal, and hip-capitalist alike, it has its detractors especially on Madison Avenue. As one ex-creative director said, "For a while it was fun, but in the end did I really care who sold the most tooth paste?"

Some objections being raised are valid and deserve action, while some are not and do not. Because advertising serves a necessary social function (information dispersal) and has become one of the most effective vehicles of social change, it is important that it receive only the punishment it deserves. The matter would not have the urgency it does were it not for the very real jail cells (or, more likely, fines and restrictions) awaiting those who violate government edicts concerning advertising that either already exist (the FCC and its censorship by license removal, tobacco ad restrictions) or are planned.

Probably, to some people, this piece begins suspiciously like a pleading for special interests of the tobacco growers, pornography peddlers, corporate establishment (etc.). Let me assure you it is not. I dislike cigarettes, vicarious sex, and big, faceless enterprises. That question mark in the title is symbolic of the sticky problem faced by the staff as we attempt to develop systematic and sensible approaches to current issues. We wish to protect rights that people are often guilty of abusing. That question mark in the title means there is a difference between defending the right of anyone to buy a page in a magazine and a blanket, dogmatic approval of whatever any particular advertiser may choose to fill that page with. Keep that distinction in mind before charging us with having sold out to the interests of big business.

Sometimes the charge of partisanship is simply an escape mechanism for those who see the truth of the argument but just don't want to admit it, especially not to you. This recalls the dilemma of the UCLA girl who did a study of the relationship of the free market and quality of taxi service in Washington, D.C. for *Trans-Action*, and found, to her chagrin ("you're not going to believe this," she says in the article), that the market seems to work best. That one's conclusions happen to benefit (or seem to benefit) one particular group does not invalidate the process of

thought that brought one to that conclusion. This is not, however, to concede that advertising is inherently helpful to large industrial conglomerates; it is not.

Who, then, gains from advertising? "They" are spending money on it. But "We" are watching and reading the ads. Do we do so freely – or do they have in ads a special device that *causes* us to act against ourselves? Vance Packard and Paul Goodman have both charged advertising with "manipulation." What about this?

First, to the extent that people are viewed as manipulable, there is an implication that they are without free will. Determinism has been refuted by philosophers of many ages, many persuasions. Without repeating their counter-arguments, what is in error within a deterministic critique of advertising can be stated briefly. Those who write ads are people, affected by the same things that affect ad readers. If "manipulation" is a valid concept, admen are also manipulated, in their case manipulated into the chore of creating ads that manipulate others in turn. Clearly, then, admen cannot be blamed for the ads they turn out. They "have to write" the ads that others "have to respond to" by buying certain products.

Objections such as Packards's and Goodman's are probably, however, not so much on deterministic premises as on the observation that considerable numbers of people aren't pparticularly psychologically independent and are thus prone to subtle pressures. This observation is, of course, true. The fashion industry, even minus its advertising, is a veritable monument to that fact.

Ad writers can and do use this weakness to successfully push tailfins, high heels, colonial style homes, and other dysfunctional products of plastic America. But it is important to keep in mind that, no matter how useless many of these objects may be, people really do want them. Their desire may be foolish, but it is real. And so, the problem – and the place to seek solutions – is not on Madison Avenue but in Hometown, U.S.A.

Advertising does not so much create trends as it takes advantage of a trend-seeking public, a public more concerned with conforming to standards that are acceptable to the neighbors than with seeking out and purchasing what is best suited to satisfying *their* particular *needs.*

Advertising, at worst, did not create America's current crop of supermarket zombies; it only cashes in on their existence. Advertising is after the fact, an effect. The cause lies in people who no longer have the ability (hence option) to *think* about purchasing choices. This stems in part from the misguided rearing they endured as children; but primarily, and in a continuing way, the fault is in education.

Why is it that so many social critics, both left and right, find more comfortable the process of delineating their "enemies" than the job of aligning themselves with their "friends"? Could it be a giant case of "Ain't it Awful" (cf. *Games People Play*)? Or could it be an example of modern day demonology, in which the devil is the state, or overpopulation, or the industrialists, or the New Dealers, or the hippies, or... well, you name it.

Whichever -- whatever -- it may be, the fact remains that those who snap at Madison Avenue are, for the most part, barking up the wrong display sign post. The problem is both more simple and more complex than they make it out to be. More simple in that, no matter what, an ad cannot sell to the unconvinced or uninterested. More complex in that the captive audience of advertising was cultivated long ago in those mind-crippling institutions, the schools. It is my contention that, for long range effect, fundamental attitude, and ability to solve problems, parents and schools are by far the most substantial (often harmful) influence. Advertising cannot and does not destroy the mind; parents and schools (but especially schools) can and do.

Advertising is but one means of communication through which men can be manipulated. It is certainly not the cause of their being so malleable. There is no worse tyranny than that of adults over children. Who really gives a damn if Revlon makes a million dollars selling false eyelashes? Who cares - who ought to care -- what a woman does with her body? She ought, presumably, to be able to think for herself. Who can say that of a child? Adult chauvinism, among the many kinds of chauvinism now on public display, is the only one against which the victim is powerless to resist. What is a million dollars profit from selling false eyelashes compared to the murder of a single mind?

What about the ethics of advertising? I have an answer which although unorthodox, is nonetheless correct.

There is no such thing as a bad product.

What about poisonous products or those which quickly break or wear out? It all depends. If the poisonous product is labeled food, there exists an obvious case of fraud. If the merchandiser of the easily breakable product promised durability, again there exists a case of fraud. If he didn't, no crime has been committed, although the product will soon get the reputation it deserves. The critical issue is the honesty or dishonesty which the advertiser displays. A shoddy product represented as superior or a superior product represented as shoddy are both examples of the same wrong. As a matter of fact, just forget about "shoddy" and "superior." Any sales pitch that deceives commits the basic evil of advertising: fraud.

The difficulty with the good product/bad product approach is that it doesn't allow for the very real differences that exist between people. One would logically end up condemning Hershey for selling candy bars, which, after all, would be unhealthful for diabetics. This is what I mean by saying that there is no such thing as a good product, *not in any universal-applicable-to-everyone sense.* It's for the individual consumer to determine what is best suited for him.

Objections to advertising rest on *some* view of economic process (that is, how people interact in a society with advanced technology, an extensive division of labor, a widely accepted medium of exchange, a high level of trading, and a massive state). Indeed, many objections are entirely on economic grounds. The flaws in most complaints would quickly be revealed in a reading of Ludwig von Mises' *Human Action,* or even Henry Hazlitt's *Economics in One Lesson.* For this reason, I'll keep my comments short.

Here, as in other aspects of the matter, complaints about advertising often turn out to be complaints about the basic structure of society, because what is criticized is not unique to or caused by advertising. Complaints that fall into this class can be further divided into those about which something can be done and those about which nothing can be done because what is wrong is inherent in human nature under any social arrangement.

Other authors have demonstrated that some horrid evil the socialists have blamed on capitalism is in fact the fault of current or past socialist or fascist practices. It's much the same in advertising. Leftleaning critics blame the open market (where? where?) for problems created by the massive federal-local political complex (here! there!).

Much of the plasticity of America can be traced to the existence of a political structure that tends to squelch creativity.

Unions, empowered by various statutes, have crippled industries, notably housing. Management, equiped with its own legal throat-cutting implements, has created similar problems. Taxation, as well as subsequent redistribution and political oppression, has a terrible distorting effect on men's interactions. Inflation: everyone knows what happens when the money supply is in the hands of the power elite. And so on. Products are not now what they could (should?) be in either manufacture or distribution. Why not criticize a union-backed law that retires *good* workers at an early age? Because such laws give needed jobs to younger men? What about falling production quality when knowledgeable workers leave? Blame it on something further down the line: advertising!

Ads are best mainly when the product is marketable, i.e., desired. Think of a "bad ad"? Hate the "White Knight"? What would *you* say about a product that resembles so many others? Ads for ultrasonic cleaners, paper clothes, and nudist colonies, however, just might be well done. The formula is simple: Without a Unique Selling Proposition, there are boring, uninforming ads (cf. Volkswagen's beloved ads which are *full* of USP).

Why is it that so many products lack USP? It is primarily the result of a regulated, essentially closed market. The predictable outcome of an *open* market, if we were ever to see one, would be as much diversity and as rapid fulfillment of consumer desire as men and the sciences were capable of. Diversity means USP, which means the possibility of good (that is, entertaining and profitable) advertising. At the same time, ad agencies, themselves subject to the same market conditions, could improve internally.

If much advertising is boring, ineffective, and tasteless, part of the trouble is in the people in the field and in the way advertising agencies are organized. Adman Jerry Della Femina recently released a best-selling gossipy book about advertising *(From Those Wonderful Folks Who Brought You Pearl Harbor)* that goes into many of the inane practices on the Avenue. You can guess the story: committee upon committee upon committee hacking good ads to rotten ones, bad ads into worse. Nobody in Washington told ad agencies to run their business this way; you have to blame the agencies themselves. But more, you must see that, for most clients, buying ad space is as much an ego trip as a sound investment. (What the ratio is can be learned through market research figures, which reveal that many expensive campaigns are totally worthless.)

Here again the trouble is not exclusive to the Avenue but is a characteristic common to most American enterprise. Even within those companies that turn out "good" (i.e., satisfying to the customer) products, it is a rare manager who understands the role of advertising. This means that multi-million dollar accounts will be given to old (incompetent) college buddies and that you and I will be subjected to years of hearing how Wonder Bread (devitalized, bleached, and stuffed with sugar) "builds strong bodies 12 ways." For all those who are sincerely interested in seeing the end of such things as the hawking of plastic bread as a health food for children, a clear understanding must be gained of the relationship between the way an industry (advertising) is organized and the quality of its products. Incidently, if you want to take some action now, please realize this, bad ads can often be easily wiped off the screen by several letters to the manufacturer. (Della Femina describes how *four* letters cancelled a campaign.) Manufacturers are incredible cowards.

Happily, much of what is bad in advertising is slowly, painfully, disappearing in what *Newsweek* has called a "creative explosion." (Boom! "Speedy Alka-Seltzer is dead!) See, as example, *Time's* recent rave reviews of this year's television commercials (in which the "new" Alka-Seltzer won special mention).

However, in the interest of fairness, an aside; if some silly manufacturer wants a hard sell or artsy campaign, wants it aside from all considerations of effectiveness, he'll probably find someone to write it for him. But that's life. That's *not* an advertising industry fault.

If advertising is truly improving, soon it may be that only purely economic objections will be raised. Let's look at one of the most important of these: that advertising affords the large company an inherent advantage over the small. This assumes that the number of insertions or the expense of an agency determines the effectiveness of advertising. But how could it? The whole question is talent, not cash.

However, there are many products and services that could not profitably be marketed except nationally. Automobiles are an example of such an enterprise. In these businesses, some quantity of expensive advertising seems to be required (although it isn't clear just how much; V.W.'s American sales were already on a rapid upswing when they decided to buy a miniscule $800,000 a year's worth of advertising. Word of mouth is still the best advertising).

The most serious charge that could be brought against advertising, the one that I myself level time after time is that of outright fraud or hucksterism. Quick: by brand, what's the most effective pain reliver? If you have any memory for this sort of thing, at least two brands with conflicting claims pop into your head. It takes less time than one hour watching television and flipping through two consumer magazines to find plenty of examples of puffery. One of the blackest examples at least in terms of the ultimate damage (cf. *Perils of the Peaceful Atom)* is the phoney pat-on-the-back General Electric gives itself in its let-us-put-your-mind-at-ease ad extolling the pollution-free power soon to be available through G.E. atomic reactors. The visual shows a man's hand holding a lit match with a curl of smoke about it. The head: "Light a match. And you put something in the air that nuclear plants don't." The copy informs us that many environmentalists are now speaking up for nuclear power, that radioactive wastes released into the air, water, and land are so mild that you could live nextdoor. Bullshit. Oh, sure, you could live next door if you wanted to. Remember those six thousand sheep that "lived next door" to the Army's chemical warfare center?

Those who would protect the consumer against advertising fraud would do well to consider the libertarian approach to the issue. The most important failing in the standard "consumer protection" action by government agency (FTC, FDA, FCC, ICC, etc.) is that the *consumer* is usually the last person to even hear about it, let alone receive any benefit from being "protected."

One example is a proposed action against the makers of Hi-C (Coca Cola Company) for misleading advertising concerning the vitamin C content of its product and its value to the consumer. Let's assume that Hi-C is guilty as charged and examine the proposed punishment (as reported by the 12 November 1970 issue of the *Wall Street Journal).* For a period of one year, unless Coca Cola states in 25 percent of its Hi-C ads that its previous ads were inaccurate, the corporation would be forbidden to make any nutritional claims about any of its products. Aside from the fact that this runs counter to the trend of the FDA to force food and drug manufacturers to make *full* disclosure, how does this procedure benefit anyone already hurt by Hi-C's false claims? And if one of Coca-Cola's diet food divisions should fail as a result of this cock-eyed punishment, is this *just* retribution for a misdeed of the Hi-C division? How can the court hand out a punishnent the full impact of which it doesn't know? How was the figure of one year chosen? Do you know? Could you find out? Did "they" know what they were doing in this action?

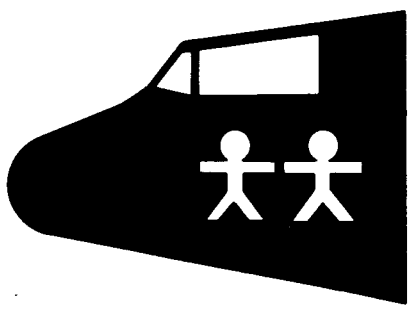
But ads fail in other ways. Is anyone "protecting" us, however ineptly, elsewhere? The market (who would have guessed it?) shelters us from one, namely, that of tastelessness, specifically the use of sex to attract attention to ads. I've good news: it doesn't work (that is, it may attract attention, especially women's attention, but it doesn't help sales any). Marketing research indicates that the more incongruous the sex is to the theme of the ad and the nature of the project, the less effective as a selling proposition the ad becomes. People, we find, remember the girl but not the product, which is the fittest punishment for those who would stoop to this. But remember that beautiful people can be a legitimate inducement for buying certain products, for example, contraceptives, just as beautiful scenery is appropriate in a travel ad.

The advertising world is getting better, but it cannot solve all the problems that arise within its own industry. Ad writers must write about existing products; without truly marketable products, even good ads can't say much. Without thinking people who consider what they really want from a product, without courts that will effectively protect the consumer against fraud —— without a lot of things not in its control, advertising cannot improve forever. Help it along; think before you buy. You just may encourage production of goods, ads, marketing procedures and laws that are suited to your needs and wants.

(Check one: the above was ☐ was not ☐ a paid advertisement.)

HIGH JACKING THE TAXPAYER

Robert Poole, Jr.



Many opponents of SST subsidies characterize the program as a vast boondoggle to benefit a small minority of jet-setters at the expense of everybody else. They are right. But what many of them fail to realize is that the entire commercial aviation industry is just such a creature of the state — a vast empire which mouths the slogans of capitalism and free enterprise, while it is being lavishly supported and protected by the state - with your money.

Although only the short-to-medium haul airlines (like Frontier, Air West, and Ozark) receive direct cash subsidies, all airlines receive millions of dollars worth of indirect subsidies each year in the form of services paid for by the taxpayer: air traffic controllers, electronic navigation aids, radar, weather reports, etc. The scheduled airlines are granted monopolies or oligopolies on the routes they hold and engage in massive price-fixing via the Civil Aeronautics Board (CAB), the government agency officially charged with "promoting" the air transport industry.

Conservatives often claim that the airlines are the *victims* of massive government regulation foisted upon them by New Deal socialists. In reality, federal regulation of aviation was first enacted at the instigation of Herbert Hoover, who was then Coolidge's Secretary of Commerce. Shortly thereafter, a new lobbying group arose — the Air Transport Association (ATA) — dedicated to making sure that the "public interest" was defined as the use of taxpayers' money to promote the interests of the airlines. The years since then have demonstrated that the established airlines, far from being victims of government intervention, are its beneficiaries, at the expense of the majority of American taxpayers.

The recent airline highjackings serve as one illustration of the truth of this contention. Two consequences of the highjackings are especially revealing – the insurance situation and the placement of guards on airliners. The airlines, like most businesses, have always protected themselves against risks by buying insurance – "hull" insurance – on their planes. Most policies written by U.S. insurance companies are called all-risk policies; but, despite this, they specifically exclude risks due to war. For this reason, the airlines buy special war-risk hull insurance from companies, like Lloyd's of London, which specialize in very risky ventures (and, of course, charge accordingly).

When the huge Boeing 747 went into service last year, however, a problem arose. The London insurers - realizing that paying off $24 million on a 747 would be a strain on their resources – asked an especially high price for 747 war-risk hull insurance. Thereupon, the airlines fell back upon – you guessed it – the U.S. government (i.e., the taxpayers). Under a 1951 law (promoted by the ATA), the government may provide war-risk coverage to airlines when commercial insurance is not available "at reasonable rates and conditions" – in other words, whenever the *real cost* of providing such insurance is more than the airlines *feel like paying.* That is how the 747's entered service with the government providing 40 percent of the war-risk insurance. And that is how the Pan American 747 blown up in Cairo on September 7th cost *you* and *me* $9,763,815.

But the story doesn't end there. After the Pan Am incident, the London insurers started computing what the loss of a few more 747's might do to their earnings and raised their war-risk rates even higher. Note that this was not mere greed. The only way an insurer can remain in business is to have his rates more than offset the losses on which he makes good. When the actual costs of providing insurance, as determined by the probability of losses, go up markedly, so must the price of the premium. This is economic law, which no amount of wishing – or government edicts – can change. Nevertheless, the increased rate announcements were greeted by the airlines with howls of anguish and a descent on Washington, where the government promptly "saved the day" once again, by announcing that it would provide *full* war-risk coverage, including guerilla highjacking coverage (!), at rates far below the market rate. Within days, most of the major U.S. International airlines had signed up – to the tune of $3.3 billion.

What does it mean for the government to offer insurance at below market rates? As *Aviation Week* put it, "there is no certainty the premiums will cover losses in any one period. If they do not, Congress will have to be asked to pay the losses from *general funds.*" Again, the taxpayer gets stuck with the bill. Even a Transportation Department official admitted, "We are not sure the premiums will pay the losses. We set the premiums at what we decided was the highest reasonable rate." "Reasonable to whom?" one might inquire.

Even more ludicrous than the insurance situation was the issue of armed guards on airliners. For months the airlines, through the ATA, have been imploring the government to "do something" about the highjackers. Even though it was *their* passengers and their planes that were being endangered, the airlines still considered it the government's responsibility to come up with a solution. And so the government, at last, decided to place armed guards on all international flights. The Transportation Department proposed a 0.5 percent increase in the ticket tax to finance the guard program, since as D.O.T. Secretary Volpe explained, "the armed guard is being provided for the direct benefit of the air carriers and their passengers."

The ATA, however, didn't see it that way. One ATA official was quoted as saying, "We regard this as an international foreign policy matter, and we do not really feel that airline passengers should be expected to pay for it." *Aviation Week* reported that "airlines vehemently opposed the increased user tax plan in the House Ways and Means Committee hearings." And Stuart G. Tipton, president of the ATA stated, "The United States never has levied special exactions on its citizens as a price for protection of their lives and property and never should. (How does he think police and fire departments are financed?) This tax proposal should be rejected out of hand." Finally, the chairman of the CAB – that horrible "regulator" of the industry and "protector" of the public – summed up the case when he stated that "the cost (of the guards) should be borne *by the whole public,* and the air traveller and shipper alone should not be burdened with the cost."

Thus, the wheels of "state capitalism" – our home-grown brand of fascism – grind on, robbing the average taxpaying citizen of his income for the benefit of the manipulators of state power. Where have all the free enterprisers gone? Where are the men with the courage to run a business with no help from the state? It's time to put a stop to highjacking in the skies – it's time the airlines stopped robbing the taxpayers and started flying on their own fuel.

America the beautiful: on whose land?

Rosalie Nichols **(PART II)**

The fact that a particular concept is absent in a person's thinking or in the thinking of a whole group of people is no evidence for a congenital inability to form that concept. The truth is, moreover, that the concept of private ownership was not absent in the thinking and practices of North American Indians. Since there were so many different tribes, each one a distinct society with its own language, economy, social customs, and so forth, it would take a whole book to describe the various systems of ownership. A few relevant facts will be given here.

To begin with, hand-made artifacts were almost always individually owned weapons, baskets, pottery, articles of clothing, etc. were owned absolutely by the maker. Often their design and decoration was highly stylized and expressed the individual personality and artistic ability of their creator. So personal were these possessions, that in some tribes it was even the custom to destroy them upon the death of the owner — — a fact which is perhaps unfortunate from a practical standpoint, but which nevertheless refutes the idea that there was no private property among Indians.

Sometimes there were restrictions on larger items of property. For instance, according to Hoebel,[20] the following was the custom among the Yuroks of California:

"A Yurok boat owner nominally possesses his canoe as private property. It is his. He has a series of demand rights against all other persons not to molest or damage his boat. He has the privilege right to use it upon the public waters. He does not have to sell or give it away. These are all marks of exclusive rights. Yet he is also subject to a series of well-recognized duties that limit his exclusive prerogatives. For one thing, he is under a duty to ferry any sojourner over the river when called upon to do so. Failure to perform this duty gives the traveler a demand right for legal damages equal to one dentalium shell. On the other hand, if the owner suffers injury because of the service he has to render, then the traveler is subject to damages. Thus, when one canoeman's house burned down while he was in midstream, his passenger had to pay for the house."

Land ownership depended, in general, on the type of land and resources. Land appropriate for hunting and gathering activities was usually held in common for all members of the tribe to use. This is because, as E. A. Opitz has pointed out,[21] "nothing enters into a property relationship which is not first in the category of an economic good; no one bothers to press a property claim to such items as the outside air". In a hunting culture, it is the game which is scarce, not the land. There is simply no reason for the land to be individually owned in such a society. On the contrary, individual ownership would be a handicap. In hunting, it is necessary to chase after the game in a large territory. It would be simply ridiculous for each separate member of a tribe to sit on an individual plot of ground and wait for the game to come to him. This is especially true among the Eskimos where each family must be self-sufficient and may have to travel great distances to find food. Among the Algonquian tribes, on the other hand, territory was divided up among families and individuals:[22]

"Beavers and muskrats, which are the chief game, are sedentary. Unlike the roving beasts, they stay close to their home sites. Hence, it is possible for individual owners to conserve and protect the supply of such game on their individual tracts. To set traps on another man's property without invitation leads to violent sanctions . . . A hunter who follows the trail of a large fur bearer, such as the fox or bear, into the land of another man may kill the beast, although he usually takes pains to notify the landowner, with whom he usually divides the spoils. Berry picking, fishing, root gathering, and birch-bark collecting are prohibited by some Algonquians but not by others. Among the Tetes de Boule, studied in the field by Cooper, there is a superfluity of berries, and fish are plentiful. 'There is no scarcity, and no need for individual claims on such resources.' "

The following excerpt about seed-gathering among the Shoshones provides another example of the same principles in operation:[23]

"Steward has given an admirable explanation of the situation in terms of ecological factors. The uncertainty and variability of the pine-nut and wild-seed crops are so great that territories exploited by different groups varied greatly from year to year. When there were good crops in any locality, they ripened so fast and fell to the ground so quickly that the people who ordinarily lived in the area could not possibly gather them all. When a good harvest was promised, they therefore spread the news abroad, so that people whose crops had failed could come to share their bounty with them. 'Under such conditions,' claims Steward, 'Ownership of vegetable food resources would have been a disadvantage to everyone.' Nonetheless, the fact is that the Shoshones held a country they called their own — they owned it and shared it among themselves."

The food obtained by hunting and gathering peoples was generally individually owned, but at the same time, a great deal of emphasis was placed on sharing of food because of the precariousness of existence. Among the Comanche, a hunter was socially obliged to share his kill upon returning to camp, but he had the option to take his family away and camp alone. There was no Internal Revenue Service to come after him. In tribes where the whole community participated in a cooperative hunt, the meat was divided equally among families. In some tribes, such as the Pueblo in their rabbit hunts, a community pool

of dried meat was kept to be doled out in time of need. At the other extreme is the ideological individualism of the Ojibwa that even includes the family: [24]

"The game and fish that a man catches in the winter are his private property. When he returns with them to his lodge . . . he decides what to do with them . . . When he gives game to his wife . . he has lost all claim to it. It is never said that he gives game to his wife for her use in making food and clothing for the family; but they phrase it that a man gives game to his wife and therefore the game belongs to her to do with as she pleases . . . The wife now employs 'her' property in the manufacture of food and clothing. She gives the finished product to her husband, immature children, and herself. When these gifts have been given, they become the property of the recipient."

Land ownership among agricultural Indian tribes was technically vested in the community, but actual use and consumption of produce was at the level of the individual family. The Hopi system will serve as a good illustration of an agricultural society:[25]

"The Hopi primary family (a man, his wife, and their children), is the basic producing — consuming unit. The family lives in a house that its members have built, eats the food produced by the work of its members, makes its own clothing and makes all the tools and artifacts necessary to its producing activities.

"The land which is used for hunting and gathering is owned by no one; there is ample space for all in the society to exercise use rights without denying such rights to others. Farming land is owned by clans (groups of primary families linked in the maternal lines) and assigned equitably to each of its members who heads a primary family. Even here, however, there is no sharp competition for farming lands, since the supply is well in excess of the demand.

"When, by reason of crop failure, or lack of success in hunting or gathering, a family is unable to sustain itself, food and other necessities are provided by related families as gifts, these imposing on the recipients the obligation to give similar aid when it may be required. No family may hoard food or other necessities when others are in want, for such action would violate every canon of Hopi behavior. Generosity and a 'good heart' are among the highest Hopi ideals; stinginess a mortal sin. As a result, the Hopi village, an independent political unit composed of families and clans, achieves a distribution of the goods it produces without any of the mechanisms of internal trade and commerce. Indeed, since Hopi society lacks a true division of labor and its accompaniment in an exchangeable surplus, there can be no internal trade.

"Systems of distribution like that of the Hopi, though they may differ in detail, are relatively common among so-called primitive peoples, only a few of which have developed their technologies to a point where exchangeable surpluses can be produced. These systems, characteristic of subsistence economies, are often lumped together under the term 'primitive communism', largely because the communities which live under them, lacking true division of labor and internal trade, share their goods and services. This term is misleading, however, in that it mistakenly links subsistence economies with modern communism, which only came into existence as a political-economic theory of government, with the industrial revolution. The essence of the Hopi system of distribution lies, not in its sharing features, but in the fact that each family, since it possesses in its members all the productive techniques available to the society as a whole, is capable of sustaining itself. The Hopi pattern of sharing in case of need is only a form of insurance against the failure of the food supply and has none of the political overtones characteristic of modern communism."

Note that there is a difference between *collective* ownership (ownership by a group) and *public* ownership (ownership by government, as distinct from the people at large.) The opposite of collective is individual; the opposite of *public* is private. Private collective ownership is not only possible, but is perfectly valid and moral. As long as it is voluntary, there is not a violation of rights. For those who don't believe in the validity of collective ownership, I would like to ask the following: *Who* owns the Mormon Church? *Who* owns the numerous workshops and stores of the Goodwill Industries? *Who* owns Rampart College? *Who* owns the private facilities of any other voluntary organization, charity, fraternity, or social club in the United States? Consider also the difference between a 20% federal income tax and a 10% Church tithe: The difference is that one is collected by force and the other is given voluntarily. Thus, in examining the social institutions of a group of people, one should seek to determine whether force was employed in the establishment, growth, and maintenance of those institutions, not merely whether cooperative effort and collective ownership were present. It is when government becomes a separate institution with a life of its own and begins not to protect the rights of its citizens but to violate them, that statism is born.

One major symptom of this development is the collection of tribute, or taxes, for the benefit of government officials, whether in whole or in part, at the expense of the workers and producers of a society.

Regarding government among the Indians in his area, Thomas Jefferson wrote the following in his *Notes on Virginia* (1784): [26]

"Very possibly there may have been anciently three different stocks, each of which, multiplying in a long course of time, had separated into so many little societies. This practice results from the circumstances of their having never submitted themselves to any laws, any coercive power, any shadow of government. Their only controls are their manners, and that moral sense of right and wrong, which, like the sense of tasting and feeling in every man, makes a part of his nature. An offense against these is punished by contempt, by exclusion from society, or, where the case is serious, as that of murder, by the individuals whom it concerns. Imperfect as this species of coercion may seem, crimes are very rare among them; insomuch that were it made a question, whether no law, as among the savage Americans, or too much law, as among the civilized Europeans, submits man to the greatest evil, one would pronounce it to be the last; and that the sheep are happier of themselves, than under care of the wolves. It will be said, the great societies cannot exist without government. The savages, therefore, break them into small ones." (Query XI)

Among most Indian peoples, there was a considerable degree of self-rule. Thus, a Shawnee described rules of conduct in his tribe:[27] "Do not kill or injure your neighbor, for it is not him that you injure, you injure yourself. Do not wrong or hate your neighbor, for it is not him that you wrong, you wrong yourself. Standards of conduct were just as rigid as the laws of any other people, but force was seldom used to enforce good conduct. Each person was his own judge. Deceitfulness was a crime. We lived according to our own standards and principles, not for what others might think of us. Absolute honesty

toward each other was the basis of character . . . Indian parents gave few commands, because they were advocates of freedom of action and thought . . ."

I have heard it said that the California Indians were shocked at the way white people disciplined and beat their children. Children were highly valued and loved by Indian parents. California Indians were particularly peaceful, and regarding the introduction of whippings and confinement to stocks by the missionaries, John Collier comments:[28] "How galling physical punishment must have been to them, we may realize when we read in the early chronicles that there seemed to be no form of chastisement whatsoever in use among the natives before the coming of the white man."

There used to be a joke, that the Indians had no taxes, the men went fishing all day, and the women did all the work – – then the white man came along and thought he could improve the situation! There used also to be a saying that "much of the truth is spoken in jest". To the best of my knowledge, no form of tribute or taxes was collected among the Indian tribes inhabiting what is now the United States. The chiefs and tribal council members were leaders chosen by the people for their wisdom, courage, and other character traits. They were leaders only as long as they had the respect of the people and had no means to keep themselves in office by force.

Furthermore, they did not constitute a separate social class supported at public expense.

(There were, of course, the societies of the Incas in Peru and the Aztecs in Mexico, both of which had centralized governments with dictatorial powers. Ironically, they were also the most "civilized" and technologically advanced of the pre-Columbian societies.)

Tribal ownership of the lands of the North American Indians, was, then, a perfectly valid form of use and control of valuable resources by individuals living within separate and distinct societies. The only restriction generally placed on land even where it was individually cultivated was that it could not be alienated from the tribe. Members could give, sell, or lease an individual tract for cultivation to another member, but not to somebody outside the tribe. This is comparable to the situation in the United States now, wherein individual citizens may use, control, and dispose of land within the society but may not alienate it from the political territory of the United States. For instance, I would not be allowed to sell my house and lot to the USSR.

One final point needs to be raised in this connection. The existence of a collectivist form of society, even when truly dictatorial, not voluntary, does not justify invasion by an alien people. In a revolution against a dictatorial government, help may properly be given if requested. But for one dictatorship, like Spain, to invade another dictatorship, like the Inca Empire, only results in a double wrong to the people themselves.

Having disposed of basic questions of ownership, I now come to a justification of expropriation which has a very strange ring coming from the conservatives who allegedly believe in free will. It is a kind of wedding of *force* and *fatalism.* When boiled down, it amounts to nothing more than, "It just had to happen that way." Why? Well, because it *did* happen that way!

Consider the following phrase from a recent article by a Buckley-type conservative:[29] "The inevitable displacement of hunting tribes by advanced agriculturalists." The word "displacement" is peculiarly euphemistic in this context. What *kind* of displacement is meant? Is it like the simple displacement of water by gases in a hydrolysis experiment? Does it refer to the peaceful kind of displacement that occurs when I move out of my house and sell it to someone else? No. What it means is that one group, with superior military force and technology, attacks and drives out a less advanced or weaker group of people from their homes. E. A. Opitz has commented that "Those who cannot take their history straight call conquest "discovery" and think to find in "discovery" a proper claim to land titles".[30] "Conquest", in turn, is a euphemism for sheer brute force and has as its moral basis the doctrine that "Might makes Right".

More subtle and therefore more insidious than the term "displacement" is its adjective "inevitable". To say that an event was inevitable means that it had to happen, that nothing could have stopped it from happening, that it was beyond the control of man. Since men were the actors in the event, it means that they had no control over their actions. Therefore, they had no responsibility for what they did.

"Inevitable displacement" is just another term for the old rallying cry of "manifest destiny". This concept was first used as an excuse to go out and take Indian lands, and it is now being used as an apology for having taken them. But it was also employed in behalf of other U. S. expansionism:[31]

"New York magazine editor John L. O'Sullivan proclaimed in 1845 that it was 'The fulfillment of our manifest destiny to overspread the continent alloted by Providence for the free development of our yearly multiplying millions.' O'Sullivan's exurberant words reflected the optimism of fervid nationalists that the American banner would soon wave over all of North America and beyond.

"For the exponents of Manifest Destiny, even the addition of Texas, New Mexico, California, and the Oregon country to the nation would not be enough; God had destined the people of the United States to extend its sovereignty over Canada, Alaska, Mexico, Cuba, other West Indian islands, and Hawaii."

The doctrine of manifest destiny went hand-in-hand with notions about "best use" of land and other resources. Best for whom? Not for owners and occupants, but for mankind in general. Thus, in 1848, the New York State Democratic Convention said of Mexican territory:[32]

"We would hold it, not for our use, but for the use of man . . . Labor was the consecrated means of man's subsistence when he was created. To replenish the earth and subdue it, was his ordained mission and destiny."

An article in the *United States Review* of 1853 stated:[33]

"The painful scarcity of silver which at present afflicts the entire trading and agricultural community, can only be removed, as the scarcity of gold was removed, by the application of American enterprise to the mines of Mexico. Silver coin will never be abundant in the United States, until the boundary of the South includes the mineral fields of Central Mexico, now occupied by a people who have no knowledge, or no appreciation of their value."

Observe how easily the earlier "cultivation" theory of ownership was modified to accommodate the expansionists in their desire for mineral resources. With the annexation of the Philippine Islands in 1898, some people began to wonder where it was all going to end, since the Filipinos were tilling the soil to the best of their capacity and the "cultivation" theory would not fit their case, but Captain Mahan had an answer for them:[34]

"Thus the claim of an indigenous population to retain indefinitely control of territory depends not upon a natural right, but upon political fitness, shown in the political work of governing, administering, and developing, in such manner as to insure the natural right of the world at large that resources should not be left idle, but be utilized for the general good."

Albert K. Weinberg comments that "the offense of tropical people now lay precisely in the fact that in drawing only their food from the soil they neglected the raw materials of industry. It is thus a curiosity of the history of ideas that the same doctrine originated by the agriculturist to dispossess the huntsman was used ultimately by the industrialist to dispossess the agriculturist. But the jest is entirely on the darker races, the victims of the doctrine first as huntsmen and then as agriculturists."[35]

It was during this period of expansionism that the concept of "destiny" developed a more and more fatalistic connotation. "In the 'nineties . . . the doctrine of the inevitable meant not merely that American expansion could not be resisted by others but that it could not be resisted by Americans themselves, caught, willing or unwilling, in the toils of an inevitable destiny."[36] Of course there were voices of opposition to this doctrine, such as that of the Liberal Republican Carl Schurz, who wrote in an article on "Manifest Destiny" in *Harpers* that "The fate of the American people is in their own wisdom and will."[37] Or again, that of the anti-imperialist William Jennings Bryan, who observed, upon the outbreak of the Philippine rebellion against United States rule in 1899, that "Destiny is not as manifest as it was a few weeks ago."[38] The fact that it took an American occupation of 70,000 troops two years to put down the rebellion gives the lie to the theory that possession of the Philippines was inevitable. But many or most Americans accepted the idea of manifest destiny as a principle of their history, and immeasurable damage has been done to their sense of morality and their sense of competence to deal with national and world affairs as a result. The consequences may soon catch up with them. As early as 1935, Albert K. Weinberg observed:[39]

"Yet this principle, however formidable to the backward races, is also the logical weapon formidable to the imperialist. It is like some boomerang which though thrown at the opponent causes fatality in an unexpected quarter. One has only to extend the imperialist's own logic a little farther to make it return and pierce the intellectual armor of the imperialist himself."

Manifest destiny and dialectical materialism are sisters under the skin, and their mother is historical determinism. Manifest destiny says it is all right to expropriate resources; Marxism says the same. Manifest destiny says people have no right to keep for themselves materials that could be utilized for the general good; Marxism says the same. Manifest Destiny says people are impotent to affect the course of history; Marxism says the same. The American people have been intellectually disarmed by the very doctrine that gained them their vast empire.

Ironically, and logically in its own way, the very conservatives who applaud the "inevitable displacement" of native peoples and advocate "benevolent Colonial rule" for people who "are not capable at the present time of self-rule"[40] are the ones who are most fearful of the advent of Marxist communism. I say "ironically" because they revel in one expression of historical determinism while expressing horror and indignation at another form of historical determinism. And I say "logically" because they are the ones who have the most to fear, not only from the peoples whose subjugation they have approved, but from their own moral conscience, should it ever catch up with them. They have incurred the enmity of black and brown people in all parts of the world with their racist theories, but they keep on spurring the horse while praying fervently that it won't throw them off.

Men make history. There is nothing inevitable or determined about it. There are, of course, some natural events over which man has no control, e.g., earthquakes. But phenomena such as war, imperialism, statism, etc. are man-made. Man, as a rational being with a conceptual faculty, is capable of making choices with respect to his value system and his actions. This ability to choose is the basis of morality. And with morality, goes responsibility.

collective guilt

There is currently a fad among some right-wingers to shrug off this responsibility of deciding moral issues by assigning any concern over racial injustice to the realm of "collective guilt", a term referring in this case to the alleged penalizing of white men for the sins of their ancestors. Thus, we find a conservative writer complaining,[41] "The unnatural eagerness of Americans to believe themselves to be monsters . . . is learned behavior, implanted, . . by the teachings of the strangest class of intellectuals any nation has ever been damned with. With few significant exceptions, America's professional thinkers have been anemic dropouts from their own culture . . . They find some unrepented sin in themselves and take up whatever scourge lies at hand to visit its punishment upon their forefathers. Now more than ever before, the American Indian is a favorite scourge..". And a young conservative student echoes, ". . . masochistic liberals have managed to instill a colossal guilt complex in the average American for the alleged genocidal atrocities of his forefathers . . ."[42]

Guilt, to be sure, cannot be inherited. No man can logically be held responsible for the actions of another, whether of an ancestor, a brother, a member of his racial, religious, political group, or any other person. If your ancestors shot my ancestors, that does not make *you* guilty of shooting *me*. But if you *condone* racism, imperialism or genocide, then you *are* guilty of *supporting* injustice. This would not be inherited guilt, but your very own personal shame for betraying proper moral principles.

For example, in the face of all the charges of genocide being levelled at the United States government not only for its historical treatment of native peoples, but also for its current activities in Vietnam, and in the midst of right-wing protestations of innocence, the *National Review* freely proclaimed on its cover (Mar. '69): "Did the United States destroy the American Indian? No . . but it should have." The man who wrote that ought to be ashamed of himself. His character is revealed for everyone to see. A friend of mine used to tell such persons, "Your soul is showing!"

our purpose

What I am trying to do, however, is not to inflict guilt on present-day Anglo-Americans, but to educate them about Indian History, to help them develop an understanding of the situation the American Indian finds himself in today, and to enlist their support in bringing about a renewal of freedom and guarantee of human rights, not just for the Indian, but for every individual. I look forward to the day when being an Indian or a Negro or an Anglo-Saxon will be a matter of no conflict, and each of us can enjoy his own particular culture without having to fear or hate someone else. But there are many problems that must be resolved before that day can come.

We Indians are fed up with the way American History has been distorted. What has been done to our people and is being done to them today is bad enough without white historians adding insult to injury. We hope for the truth to be told at last in the history textbooks and in movies, magazine articles, and other media.

We want just compensation for our lands that were taken, respect for our treaty rights, and an opportunity to reclaim whatever land we can, such as Alcatraz Island. This much I think *all* Indians agree on.

The big problem is the reservation system. It is the reservation system that has kept the Indian impoverished. Dean Russell of the Foundation for Economic Education summed up the situation in 1952: [43]

"There seems to be no scientific basis for calling the Indians an innately inferior race. As has been proved by the success of many individual Indians, they have just as much capacity for understanding and advancement as the . . . so-called Nordics. But today there are more than 12,000 federal employees directly "taking care" of the 233,000 reservation Indians who are still classified as wards of the government. The number of government caretakers for the Indians has been steadily increasing over the years. As a result, the reservation Indian is becoming less self-sufficient and more dependent upon what he calls 'the Great White Father in Washington.' "

"Instead of freedom, the Indian has government-guaranteed 'security.' Instead of individual responsibility, he has a government bureau to handle his personal affairs. There are special laws governing his right to own land and to spend tribal money. Under that system of bondage it should surprise no one to find that many thousands of Indians have remained uneducated, hungry, diseased, and mismanaged.

"The only lasting solution is for the Indians themselves to handle their own affairs on the basis of individual freedom and personal responsibility. If this is not true, then the blessings of freedom would appear to be fanciful myths. But for some queer reason, we Americans seem to believe that just because our pioneer fathers once subjugated the Indians, we in turn are obligated to keep them in the bondage of government 'security.' As a result, the Indian has the status of a ward instead of a citizen. Instead of being a responsible person, he is a dependent.

"The advocates of this compulsory 'security' honestly seem to believe that most Americans—including the Indians—are too ignorant, or lazy, or worthless to be trusted with their own destiny; that they will literally starve in the streets unless their welfare is guaranteed by a 'benevolent' government. However good their intentions may be, these disciples of the Relief State are demanding that they be given the power to force mankind to follow their plans. In the name of liberty they advocate bondage!"

On the other hand, what choice do the reservation Indians have? If they give up their special relationship to the Bureau of Indian Affairs, they immediately fall under state and local jurisdiction and are subject to taxes they cannot pay, resulting in loss of their land. In fact, it is this exemption from land taxes that one conservative writer complains about: [44] "On the 397 federal reservations (eleven of which are over a million acres) no taxes are paid on either the land or its usufruct. . ." Considering that conservatives consider taxes one of the nation's greatest evils, one might ask why this writer wishes to inflict them on *us*. Did he run out of small-pox infected blankets to send us?

The reservation Indians do not have a choice between good and evil, between freedom and controls, between self-determination and paternalism. They have only a choice between federal jurisdiction and state jurisdiction, between one level of regulation or another. It is just one more case of Tweedle-Dee or Tweedle-Dum and at present, -Dee is looking better to some, and -Dum to others. I am not a reservation Indian, so it would not be proper for me to offer a vote on one side or the other. Neither is it proper for one reservation to say what another reservation ought to do. Each Indian on each reservation ought to speak for himself and be allowed to decide his own future. I would only suggest that there might be better alternatives than are presently being considered. For instance, why must a reservation become part of a state? Why not let the Indians have a chance at real self-determination, if they so choose, by preserving their own "states" or "nations" (that *is*, after all, what the tribes were historically) free from any alien political control? This would, after all, be a real step towards the laissez-faire society the conservatives and libertarians advocate!

In conclusion, I would like to say to any conservative readers who do not identify with positions I have quoted here and criticized that I do not mean to imply that all conservatives think alike. I have taken these excerpts from a limited amount of material I happen to have on hand. If the moccasin does not fit, you do not have to put it on.

To my Indian readers, I would like to say that because I have criticized conservative thinking does not mean that I agree with liberals. There are many liberals who are working hard to destroy the concept of ownership. Our Indian claims are based on property rights. We *own* our Indian lands. If we help the liberals to destroy the concept and validity of property rights, we won't have a leg to stand on. Do not be misled by people just because they express sympathy for us or wish to identify with our culture. There is immense public sympathy for our cause right now, and properly so. Justice is on our side. But it is going to take much more than sympathy—it is going to take a great deal of education and some good hard thinking—to solve our problems and bring justice to fruition.

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TRANSACTIONAL ANALYSIS AND OTHER GAMES PEOPLE PLAY

by Marilynn Walther

When Eric Berne published his book GAMES PEOPLE PLAY (New York: Grove Press, 1964), a book based on the school of psychology called Transactional Analysis, there arose outraged howls from the psychiatric community and shouts of glee from an enthusiastic lay audience. The average reader, if he exists, might consider these two responses when deciding whether he should read the book. Anyone with a basic knowledge of 'modern' (actually turn-of-the-century) psychology, who perhaps has heard the Freudian interpretation of Bugs Bunny or his own dreams, can judge that anything displeasing to modern psychologists cannot be all bad. On the other hand, noting some of the other books that have held high positions in the charts (for example, VALLEY OF THE DOLLS...), he might judge a book that has been popularly accepted as not all good.

Of course, his final judgment will probably show that GAMES PEOPLE PLAY is somewhere between bunk and a classic. In fact, it is to assure that more people will see the reasonable sections of Transactional Analysis, and that some may even go beyond to refine it, that I have written this article.

A discussion of TA begins, especially with a TA therapist, with definitions of terms. This is one of the surprises awaiting potential patients who are accustomed to the in-grown, esoteric vocabularies of other psychologists. But TA personnel have a basic commitment to communication; they believe in using words in the everyday vocabularies of their patients. Thomas Harris, in I'M OK -- YOU'RE OK (New York: Harper & Row, 1967) a follow-up book to Berne's writes (p. 200):

> To say that a person has a Pseudo-Schizophrenic Obsessive-Compulsive Passive - Dependent Anxiety Neurosis, Chronic does not tell you very much except that this is going to take a long, long time.

TA employs three fundamental terms to describe the human psyche. These are not to be confused with the Freudian trilogy. They are Parent, Adult, and Child. It's all quite logical. ⓅⒶⒸ

When a person is functioning appropriately, his Adult is in command. The Adult is described as his 'computer facility'; it is the observing evaluating, decision making abilities of man in use. It is distinguished from the other two portions by its important alignment with reality and consciousness. This is almost too simple. Either one is functioning correctly or one isn't: if one isn't, he is either irrationally authoritarian or irrationally passive. A Transactional Analyst would say his pushy Parent or whining Child was then in control.

The activities of people, the Transactions of TA, can be categorized as one of six possibilities: withdrawal, rituals, activities, pastimes, games, and intimacy. Again, to describe actions TA uses ordinary words in senses closely related to their common meaning. They take place in social situations and can briefly be characterized as follows:

withdrawal is the lack of action to continue a social contact – glancing past the elevator operator, being absorbed in one's thoughts on a crowded subway, etc.

ritual is structured actions that primarily pass time – cocktail parties and church services are largely rituals;

activity is purposeful, a procedure dealing with external necessities – washing dishes, going to the office, walking the dog;

pastimes are ways of passing time while gathering information, either factual or on the person one is engaged in the pastime with – some of Berne's names are 'General Motors' (comparing cars), 'Ever Been' (to some nostalgic place), and 'Grocery';

games are NOT for fun, they are transactions that aim toward an outcome other than their logical resolution, played for ulterior motives – "Why Don't You, Yes But' is a conversation in which a person apparently asks a friend for advice, then systematically destroys each suggestion in order to reach the conclusion that nothing can be done, thereby absolving the asker from responsibility for doing anything;

intimacy is a relationship between people who avoid the first five activities – friends talking over dinner, letter writing, lovers with the light on.

Harris' addition to the TA vocabulary is OK, a term designed to represent lay analysis of a person. Four combinations of OK and not-OK exhaust the life positions held about oneself and others: I'm not-OK, You're OK; I'm not-OK, You're not-OK; I'm OK, You're not-OK; I'm OK, You're OK. OK means efficacious, attached to reality, appropriately motivated and acting. It is an evaluation, a judgment, and can be produced by the Parent, Adult, or Child. Correct evaluations, of course, come from the Adult; the other elements introduce distorting factors sufficient to block realistic assessment.

Stroking is a TA term used often enough and differently enough to require definition. A stroke is a response from someone to a person that satisfies at least some of his expectations or needs in the activity in which they are engaged. The early form is actual physical contact, by a parent perhaps, but later forms include partner's and adversaries' moves in game situations as well as physical and/or intellectual contact in intimacy.

There are other, less basic, terms that could be considered. Rather than take time on them, however, I would like to view some assumptions of TA.

The philosophical view of determinism is prevalent today, especially in psychology. A child's personality is said to be set by the age of six years. Juvenile delinquents are not blamed so much for their actions as are their parents. Man is seen as an animal shaped by his environment and his toilet training. One comes to expect such statements from psychologists. TA, however, explicitly rejects determinism. Choice is a basic element of TA psychology. Therefore, so is the corollary — change. Harris states (p. 16), 'WHAT WAS ONCE DECIDED CAN BE UNDECIDED.' (Original emphasis.)

This is not to say that TA views humanity sailing through existence untouched by the outside world. In fact, TA holds that most children have concluded the 'I'm not-OK, You're OK' position by the end of two years of life. Note that they have not had this conclusion thrust upon them; they chose this view of the world from the alternatives. And one can certainly see why. A small person is not efficacious, needs a lot of assistance, is told 'no' repeatedly without either being told why or being able to understand why not. He concludes rightly that he is not functioning optimally as a human being.

But as he grows in understanding, he is less a Child and more an Adult. His 'computer' begins to have material to work with, he begins to gain some mastery over his muscles, and he can begin to reevaluate his judgment of himself (and others). I say 'can' because many times a change does not occur. Functioning as a Child, while it is never truly fulfilling to grown people, can have rewards. A child is not expected to be totally successful; he is not, therefore, blamed for failure although he is often met with the Parent response 'I've Told You a Million Times.' A child is also preoccupied with his paradigm game 'Mine is Better' (by which he attempts to negate his feelings that he is not-OK) and wastes a lot of time in activities that cannot satisfy him.

Some children do not grow up to use the Child portion of the psyche but to use the Parent part. Determinists would say they have been unduly influenced by judgment-pronouncing authorities. TA holds that they mistakenly judged such power to be OK at an early stage and continue to labor under this misapprehension; 'Because it is a decision it can be changed by a new decision. But not until it is understood (Harris, p. 37). Whether or not he feels he is OK, he feels others are not-OK and plays 'Ain't It Awful' and other responsibility-relieving games. Like the Child, the Parent avoids real answers and growth, and he too misses the fulfillment available to the Adult.

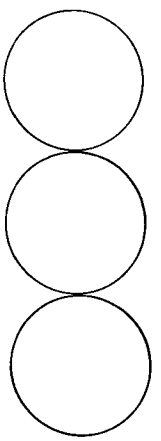
The problems of choice and change are particularly important to psychiatric practice. But a therapist cannot begin to help his patient if he does not himself have the ability to choose between helpful and harmful change (this spotlights the determinists' problem — their system has shut them out from participating meaningfully in their system). Nathaniel Branden said in a paper delivered before the Psychiatric Division of the San Mateo County Medical Society and is quoted in Harris (p. 216):

> Effective psychotherapy requires a conscious, rational, scientific code of ethics — a system of values based on the facts of reality and geared to the needs of man's life on earth.

TA accepts the premise that there is an objective morality for man, however poorly we understand it at a given time or however often the code must be revised to give account to additional information. I think Harris' grounds for accepting the rational road to ethics are shaky, although they are enough to make one consider the possibility that reason can also serve as a moral guide. He employs the concept 'comparative difficulties' and says it is more difficult to view human beings as unimportant, and psychology therefore as a waste of time that gets a nothing-animal nowhere, than to judge otherwise. The problem, of course, is that what is difficult for some.... But in a way he's right. The way things have been going, with moralities chosen on a hit/miss basis depending on one's parents, culture, or era, has been pretty bad. Just count the bodies on psychiatrists' couches, at the barricades, or in the trenches and you will conclude that the present system of judging 'ought' or 'should' needs revision. Without plunging into the specifics (see the writings of Ayn Rand and Branden for those), it looks likely that giving objectivity a chance is not a bad idea.

What about the people who need psychological help? How do they get it in TA? Usually treatment is accomplished in groups. Group therapy in TA does not mean, however, that the whole group acts on certain members to discuss problems. Harris is emphatic in his defense of group treatment where the analyst simply treats more than one person at a time. He argues, justifiably, that assistance cannot be given to all those in need on a one-to-one basis. So a TA therapist will arrange for a person to join a group, often of people who are similar or who have similar problems. Thus, groups of teenagers, their parents, or of housewives might be formed. Upon entrance, the patient is put on 'contract.' That is, the therapist agrees to treat him in a specified number of meetings over a certain length of time (sessions are usually weekly, but daily meetings can be arranged for seriously disturbed persons), and the patient agrees to attend the meetings and to attend to the discussions that go on there.

Transactional analysts make a concerted effort in the first few meetings with patients to establish the basis for treatment: an understanding of TA, the terms (P-A-C, etc.), and the goal. A patient will be told that, in meetings, the group will analyze under the therapist's direction the transactions members have had with people they meet during the day. Activities will be discussed in the vocabulary cited above. This effort is to be expended in order to put each person's Adult into primary control, limiting the powers of the Parent and Child to the status of 'consultants.' Each person will be encouraged to find evidence that he is OK and that others also are (or can be). And finally, he is expected to be able to leave the group as a functioning Transactional Analyst himself! TA wants to spread; it wants more people to be able to use its help. Its proponents firmly believe that it can serve as an ongoing aid to those who are treated with it or who otherwise become familiar with it.



A NOTE ON NEFF'S ANARCHISM

by TR Machan

The first of Mr. Neff's theoretical claims (as distinguished from his irrelevant moralizings) is that "Justice is desired by many persons and is the object of (some of) their purposeful action."* To begin with, can justice be the object of an action? The answer requires a definition of the concept "justice". Mr. Neff offers none and any attempt by Mr. Neff to use this assertion as a premise for an argument establishing some other assertion must be viewed as necessarily meeting with failure. The onus of proof lies on Mr. Neff since the statement is an affirmative one.

To be just, to act justly, to MAINTAIN justice (not produce it, for production can be just or unjust, depending on the context) is psrt of what it is to be moral. To act unjustly may or may not involve the violation of rights. When it does, we deal with it not only within the framework of morality but also political philosophy.

Political philosophy considers the means by which justice with respect to human rights, is to be maintained, i.e., within the social context. The MAINTENANCE of justice IS an economic service, JUSTICE IS NOT.

Justice pertaining to human rights is everyone's BY RIGHT. That there be a JUST society, that no man's rights be violated, is what is RIGHT FOR MAN. It is not something anyone should have to pay for. Otherwise, in order to have his rights recognized, acknowledged, and respected in action, one would be required to pay the potential violator. This would render nonsensical the concept of "rights".

Everyone has a right to justice. But when justice is violated within the social realm, it becomes to one's self-interest to seek reparations and to discover means by which to reduce the probability of unjust actions. Retaliatory force is the answer to the former eventuality, self-defense to the latter. Since it is also to one's self-interest to BE just, both retaliation and self-defense involve moral principles. To maintain justice justly, man needs an objective legal code, i.e., the realm of morality pertaining to the maintanance of justice within a social context. Since morality pertaining to private conduct is the business of only the individual human being, no "book of morality" is needed. Since morality pertaining to the social context is the business of everyone within a given society, it requires a book of morality, namely a legal code. The concept of "law" is not conceptually dependent on the concept of government, it is vice-versa. (This may be demonstrated both historically and epistemologically. Though the concept of "state" does not depend on the concept of "law", all governments are based on some moral law, however, confused. The concept of "law"is used within such entirely unpolitical contexts as logic, metaphysics, ethics, physics, games, etc. Even anarcho-capitalists talk of natural laws; some go so far as to admit the need for a code of objectively defined laws to which protection and arbitration agencies would adhere in response to "market forces" — whatever that means in this context.)

* "Letters", REASON Vol. 2 No. 9.

The laws of social interaction are identifiable (discoverable, definable), and can, in consequence, be judged right for man, but no one's agreement to a legal code is needed for it to be PROPER to act in terms of it. As an example, I can retaliate and defend myself against an aggressor even if he disagrees that I may do so. Because it is everyone's responsibility to secure his own self-interest, however, the ESTABLISHMENT OF MEANS for retaliation and self-defense is not possible on a societal scale (involving more than one person) without explicit agreement. The maintenance of justice is secured by men individually or in (voluntary) cooperation. It is evil to force a man to fund a service for his protection if he does not wish to be protected. To force "self"-defense on someone is a contradiction in terms—even though it IS his MORAL responsibility to protect himself whenever it is in his self-interest to do so. But that moral responsibility cannot be enforced; to do the morally right thing it is necessary that an individual do it himself.

Those men who voluntarily gather and agree to have their self-protection and retaliation secured (maintain political justice) cooperatively are morally justified in doing this. When they choose to hire an agent to do this for them, and contract with this agent to the effect that protection and retaliation will be done morally—justice maintained justly—they choose to create government (by the consent of the governed). Insofar as they do not force anyone to join in their venture, they may select some (specific, non-aggressive) way to pay the agent hired.

There is, therefore, nothing so far NECESSARILY evil (coercive) about the phenomenon of government. The allegations about necessary evil and coercion are based on what some anarcho-capitalists maintain about A. Rand's concept of "monopoly". Suppose government has a monopoly on the use of retaliatory and protective force (and none hold that the latter is the case, though limited governmentalists claim that protective force is governed by law, also, e.g., even if I do not agree that A should be hired to protect me, if I am protecting myself against B, who does agree that A should protect him against the violation of rights justly, and do so unjustly—say when he steals my cigarette I threaten or intend to chop off his hand—his agent has the right to protect against that act of "protection", treating it now as aggression; A is acting as B's agent, and B is surely entitled to a just retaliation or protection); it is then a monopoly established NATURALLY. The concept of "monopoly" is generic to "coercive monopoly" and no libertarian can consistently object to monopolies which are non-coercive. Since the government established by the above specified means, does not involve coercion, and since the government is the only agent which has been selected to maintain justice, it has a monopoly on maintaining justice for those who selected it. (This may be viewed in part as analogous to the relationship between a person and his power of attorney. The latter has a monopoly on the performance of certain services for the former, Surely the same /one/ service cannot be performed by two attorneys in the same /one/ respect.) Since the agent (government) was hired to maintain justice, justly, for G group of voluntarily gathered individuals, no other agent can do so without first securing the dissolution of the contract between the group and the agent in question. That is the meaning of the monopolistic status of governments.

Finally, the limitation of governments to geographical areas is also held to entail coercion. But the government considered above is restricted in its operations to a certain geographical area, namely that occupied by those who hired out for it. Those not in agreement with the selection of an agent to maintain justice would have no government. Their geographical areas would not be governed. If such people engage in the violation of rights AMONGST EACH OTHER, the government of others will have nothing to say or do about it. If they violate the rights of those who have hired agents for maintaining justice, they will have to contend with retaliation from such an agent. (Since the retaliatory use of force is morally justified, retaliation against an aggressor can be performed by anyone, the aggressed OR his hired agent.) There is no SPECIFICATION in Ayn Rand's political philosophy for HOMOGENEOUS geographical restrictions; but it is clear from what Miss Rand and Mr. Branden have said that they view it as a (practical) outcome of the instantiation of their concept of government that geographical homogeneity would obtain. Their grounds, to the best of my knowledge, have to do with certain facts about communication, travel, all men's self-interest, the required technical arrangements for the maintenance of justice, etc. Such facts, to the degree I am aware of them, bear out their contention. Still, this provision is a matter of HOW governments would perform their functions and what the results of having to perform them would be under the conditions of these facts. The Objectivist definition of government is "THE MEANS OF PLACING THE RETALIATORY USE OF PHYSICAL FORCE UNDER OBJECTIVE CONTROL—i.e., under objectively defined laws." That "government holds a monopoly on the legal use of physical force" and "a government is an institution that holds the exclusive power to enforce certain rules of social conduct in a given geographical area" is true; that is to say, these are facts about governments; but they are not what DEFINE governments, nor the facts which serve to distinguish governments from other kinds of things in existence. (Consider that a shoe is what most people put on and take off their feet. But we are a far cry from having defined shoes—the concept "shoe"—by having said that.) These facts are, furthermore, contextually entailed by the definition of the concept "government". (And if the context—reality—were known to be different, what is entailed by the definition of the concept of "government" could also be different. But the onus of proof is on those who deny the significance of geographical limitations and exclusive (monopoly) power (use of physical force) in the face of the above discussion to show the contradiction between morality and these constituents of the concept "government". Those who introduce a new context must give the reasons why it should be accepted by rational people.)

These are the essential matters of Mr. Neff's focus of attention.

trends

Competing with the Phone Company

The belief that telephone service is a natural monopoly dies hard; like many a liberal fairy-tale, it has been around so long that it is generally accepted without question. All of which makes particularly significant a pair of articles in the Spring 1969 issue of *Law and Contemporary Problems*. The first describes telephone service during the years 1893-1920: a period of *unregulated* competion. Notwithstanding highschool textbook opinions to the contrary, the unregulated era was not a period of chaos, cutthroat competition, or hopeless overlapping of service. Rather, it was a period of rapid growth of the market, major technological advances, and increasing productivity. "Total factor productivity increased at an average annual rate during the period 1899-1909 which exceeded the average annual rate for any subsequent period." As for the level of service, "the independents introduced the dial system on a widespread basis, pushed telephone service into smaller communities and rural areas, and certainly contributed to lower prices."

By detailing the market structure and competitive behavior that prevailed in the unregulated period, the author lays to rest the claim that telephone service is inherently monopolistic. It was this claim, strongly promoted by the Bell System, that led to the eventual enforcement of a monopoly structure on the industry, and the resultant inefficiency, poorer quality, and higher cost of today's telephone system. The author sums up the piece thusly: "Telephone competition during the years 1893-1920 was neither inefficient nor costly, but was, on the contrary, productive of benefits sharply outweighing its costs... Dynamic technology may provide more effective control on communication rates and services than unaided regulation can supply."

The companion article considers the other end of the communications reguladilumma – today's technology explosion in the field of digital (computer) data transmission. Today, he points out, we have an opportunity to avoid repeating the mistakes of the past, vis a vis the telephone system, by allowing competition to regulate the market, rather than governmental decree. The telephone system is hardly the optimum medium for transmitting digital data, yet so far the FCC has not (with one exception) – allowed companies with competing forms of transmission (eg, microwave) to set up common carrier systems. AT & T, Western Union, and Comsat are expending vast sums trying to convince the FCC to continue to uphold their monopolies. The author of this article – a dissenter to the pro-monopoly bias of the Rostow Task Force – eloquently summarizes the case for a free, competitive market in data transmission.

For further details see:

"The Early Competitive Era in Telephone Communication, 1893-1920," by Richard Gabel, *Law and Contemporary Problems*, Vol. 39, No. 2, Spring 1969, pp. 340-359, and "Common Carrier Regulation – The Silent Crisis" by Harry N. Trebing, Ibid, pp. 299-329.

Creeping Capitalism

If you haven't already heard about it, check out the Sept. 1, 1970 issue of *Forbes* for the most libertarian cover story of the year. In a detailed report headlined "Creeping Capitalism" *Forbes* describes the growing trend towards private, competitive companies taking over such typical government functions as education, mass-transit, mail delivery, garbage collection, fire protection, and even police protection. Mass transit and garbage collection are areas which have only been in government hands for a short while; hence, their return to the marketplace is not especially noteworthy. But education, mail, police, and fire protection are another story, having been virtually government monopolies for as long as anyone can remember.

The first, halting steps toward marketplace education entail the "performance contract" concept. A number of firms, such as Westinghouse Learning Corp., Alpha Learning Systems, etc., are making contracts with local school boards, betting their profits that they can measurably improve students' progress at a lower cost than the school system. Over $8 million worth of such contracts were awarded this past fall. In postal service, the article focuses on American Courier Corp.'s airmail service for high-priority items (checks, vaccines, etc) too valuable to be trusted to the statist postal monopoly, and on the Independant Postal System of America (IPSA) – a delivery system for third-class mail with franchises in about 20 states.

The article's biggest surprises concern police and fire protection. While libertarian theorists have been arguing about the need for "alternative, free-market institutions," numerous capitalists have been out in the real world building such institutions. Already *two out of every three* police officers in the country work for private employers (which means they engage only in *protection*, not the enforcement of statist laws such as tax laws, draft laws, drug laws, etc). *Forbes* estimates that the private protection market totaled $1.6 billion in 1969, not including some $400 million for alarm systems. In the Scottsdale, Arizona area, businessman Lou Witzeman's Rural Metropolitan Fire Protection Company provides fire fighting services to some 100,000 people, over 400 square miles of territory. Witzeman's company provides fire protection for an average of $3.50 per capita, compared with the $15-$20 per capita cost of government fire departments in cities of comparable size.

As *Forbes* points out, "giant bureaucracies lack the discipline imposed by the profit motive. Can they deliver the services in an acceptably efficient manner in our confused and complex society? Can the police any longer really police, the educators educate? Even the liberals, traditional advocates of big government, are beginning to wonder whether private enterprise may not be able to do a better job than government. They are becoming advocates of creeping capitalism... One thing is certain: for better or for worse, the century-old trend for steadily-increasing government–provided service has about run its course."

For further details see:
Forbes, Sept. 1, 1970, pp. 22-27.

letters to the editor

REASON welcomes letters to the editor. Writers should make an effort to be succinct without, however, sacrificing content for brevity.

If you want to make a minor or major point concerning articles or other matters of interest, REASON encourages you to fire away.

THE PUBLISHER

Taxation is entailed only by coercive governments. A government by the consent of the governed is funded by the agreed upon dues of the people who chose to be provided the services governments are hired to perform.

TR Machan
Bakersfield, California

The controversy between anarcho-capitalists & advocates of limited government, concerning private protective agencies vs. government police & courts, has tended to blow up the whole issue of maintaining order, far beyond its true importance. One gets the impression of a Hobbesian society, with a war of all against all, where maybe half the population is employed as guards, whether government or private, to keep the other half from killing one another. I'd like to point out that this image is totally unlike reality.

Many of us, perhaps, have lost sight of how really moral most ordinary people are most of the time. Forget for a moment the screaming about law & order, & instead think about the real people that you know. Think about your neighbors, acquaintances, & business associates. Are they about to assault you, murder you, steal from you, defraud you? Do you go about armed to protect yourself against daily threats to your life & property? Unless the society you know at first hand is very different from the one I know, you must realize that you live among people who are, on the whole, peaceful & law abiding.

I am sure that the great majority of people do obey objective laws most of the time. They go about their daily business, dealing with one another in very complex ways. Some may be less cordial than others, but hardly anyone spends any time planning to use force against another, or thinking about how to defend himself against the possible use of force by one of his associates. And these are not exceptionally moral people; they are quite ordinary.

Some will say that people are law abiding because they know the police will get them if they break the law. I don't believe that this has much to do with it, altho, I admit, I can't prove it, since I can't set up a controlled experiment to demonstrate what would happen without police. But I ask you to try a little introspection. Why is it that you don't murder your neighbor or steal his property? Is it fear of the police? Or do you simply refuse to do what you know is immoral? Then ask yourself if you are so very different from most people in this respect.

Actually, most people will behave lawfully most of the time whether we have police or not. They behave lawfully because they realize it is in their long range self interest do do so. They don't want to live in a world where they have to go around fighting other people all the time, so they act morally, maybe even in a friendly way, & hope most other people will, too. And most other people do.

But we do need police or private guards. We need them to deal with rare situations: (1) the rare individual who violates objective law as a policy, & (2) the rare instance when an ordinarily moral person makes an exception & violates an objective law. This puts the matter into its proper perspective. Protection against criminals is important, just like fire insurance is important, but how often do you think about fire insurance? It's something way in the background, seldom needed, seldom thought about, but very nice to have in the rare instance when you might need it. In a free society defensive force would be much the same.

Of course, at present, the high morality of most of society is obscured by the vast number of non-objective statuatory laws we have on the books. These laws violate the rights of individuals & make technical lawbreakers of almost all of us. In support of this, consider that, at present, the four highest numbers of Federal criminal cases are in these categories: auto theft, unlawful immigration, drug offenses, & draft violations. Notice that only one of these categories, auto theft, is a violation of objective law.

In addition, non-objective statuatory law encourages disrespect for all law & confuses morally weak persons, which leads them to violate objective laws as well as other statuatory laws. Thus statuatory law is itself the chief cause of the rising crime rate in two ways: directly — be setting up more & more non-objective prohibitions which people will morally violate, & indirectly — by encouraging persons who don't distinguish between objective & non-objective law into thinking that since they do violate the one, there is no reason why they shouldn't violate the other.

The point I am trying to make is this: due to the existing high morality of most people, in a free society, without non-objective prohibitions, the maintenance of law & order would be only a minor problem, not the earth-shaking concern all this discussion seems to imply.

James A. Stumm
Buffalo, New York

A MESSAGE FROM THE PUBLISHER OF ●●●●●●●●

With this issue, REASON resumes a monthly schedule. The current issue, Volume II, Number 10, is dated January 1971, with the dating of the future issues readjusted to conform with the actual publishing date. Each subscriber will receive his full complement of issues; the expiration date of each subscription has been adjusted to compensate for past delays.

Also with this issue, REASON is under new ownership and management, dedicated to making it the best magazine in its field. The basic ideas underlying the magazine have not changed, but you will notice a marked improvement in the quality of the contents and in subscription service. In the future please address all requests for subscription service, complaints, etc. to our new office:
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reason

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2) Articles – If you have the interest and ability, consider writing articles for REASON. Otherwise, alert writer-friends to submit work.

3) Financial Assistance – In this period of rapid expansion, our promotion campaign requires large capital expenditures. Gifts, loans, and advertising commitments are heavily solicited, and your help will be appreciated. Have people interested in this contact us directly.

In future issues you will witness the growth of REASON into a first-rate publication. Your advice and comments are welcome.

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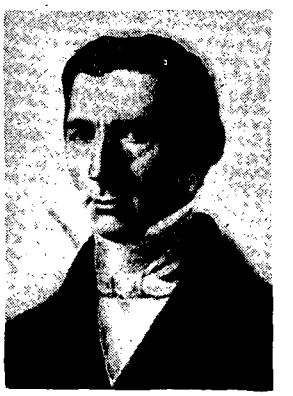

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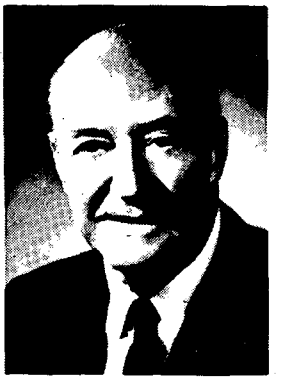

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